

R E M A R K S

Claim 16 was amended to include features from previous claim 6 ("lactic acid" and "malic acid"). The amendment to claim 16 is also supported in the specification in Tables 1-1 and 1-2 on pages 36 to 37, respectively (Example 2 and Example 5).

New claim 19 contains features of claim 16 and also contains features of previous claim 6 ("lactic acid" and "sodium metaphosphate") and previous claim 8 ("potassium carbonate", "sodium hydrogencarbonate" and "sodium pyrophosphate"). New claim 19 is also supported in the specification on page 38 (Examples 10 to 13 in Table 2).

New claims 20 and 21 recite features of previous claim 11.

With respect of Rule 116, entry of the claim amendments and new claims is respectfully requested, since the claim amendments and new claims involve features that were recited in the claims prior to the final rejection. Furthermore, due to the cancellation of claims, the total number of claims has not been increased.

The claims are now directed to methods for decreasing an acrylamide content of instant fried noodles and instant fried noodles prepared by such methods. The present claims thus involve fried noodles

Claim 9 was rejected under 35 USC 112, second paragraph, for the reason set forth at the top of page 2 of the Office Action.

Claim 9 was canceled and thus the above rejection is moot.

Claims 6 and 12 to 14 were rejected under 35 USC 103 as being unpatentable over Miller et al. in view of Yamasaki et al. (USP 5,543,168) for the reasons set forth on pages 3 and 4 of the Office Action.

The above rejection involving Miller et al. in view of Yamasaki et al. is moot in view of the above cancellation of claims 6 and 12 to 14.

Claims 1, 3, 7 to 11, 13 and 15 to 18 were rejected under 35 USC 103 as being unpatentable over Miller et al. (USP 5,500,236) for the reasons stated on pages 2 and 3 of the Office Action.

It was admitted in the Office Action that Miller et al. do not disclose frying noodles.

Whereas the present claims are directed to fried noodles, Miller et al. is directed to non-fried ramen noodles. The non-fried ramen noodles of Miller et al. are not cooked by frying, and therefore they do not contain acrylamide, which is generated by frying.

Submitted concomitantly herewith is a DECLARATION UNDER 37 CFR 1.132 of Tomo TAKAYAMA dated March 30, 2006. The TAKAYAMA DECLARATION demonstrates that non-fried ramen noodles as in Miller et al. do not contain acrylamide ("AA"). In this regard, see the Table on page 3 of the TAKAYAMA DECLARATION which is reproduced hereinbelow.

Table

	Comparison 1	Comparison 2
Blending condition <Main raw material>		
Wheat flour	5.0 kg	5.0 kg
<Sub-raw material>		
Refined salt	100 g	100 g
"Kansui"	25.0 g	25.0 g
Sodium glutamate	10.0 g	10.0 g
Analyzed AA value (ppb)	*n.d	*n.d

*n.d = not detected

Consideration of the TAKAYAMA DECLARATION is respectfully requested, since the TAKAYAMA DECLARATION serves to address issues raised in the final rejection.

Since the non-fried noodles of Miller et al. do not contain acrylamide, decreasing acrylamide contained in the noodles, as recited in the present claims, is not taught or suggested by Miller et al. Therefore, it is respectfully submitted that a person of ordinary skill in the art would not conceive of decreasing acrylamide contained in fried noodles from Miller et al., since Miller et al. is directed to non-fried ramen noodles which are originally free of acrylamide.

Yamasaki et al. is directed to fresh noodles. Fresh noodles are not cooked by frying, and therefore they do not contain acrylamide, which is generated by frying. Therefore, decreasing acrylamide contained in the noodles, as recited in the present claims, is not taught or suggested by Yamasaki et al. Accordingly, it is respectfully submitted that a person having ordinary skill in the art would not conceive of decreasing acrylamide contained in fried noodles from Yamasaki et al., since

Yamasaki et al. is directed to fresh noodles which are originally free of acrylamide.

The patentability of specific claims of the applicants will now be discussed.

Claim 16

When a specific acidic aqueous solution (i.e., an aqueous lactic acid solution or an aqueous malic acid solution) recited in applicants' claim 16 is used, acrylamide is significantly reduced. Such a feature is not taught or suggested in any of the references.

Especially, in the case where an aqueous lactic acid solution or an aqueous malic acid solution is used as the acid aqueous solution, acrylamide is reduced significantly as shown in the specification on pages 36 to 37 in Example 2 and Example 5, Tables 1-1 and 1-2, respectively, (i.e., acrylamide reduced to 26 and 37, respectively, as compared to the acrylamide content, 100, of the control).

Claim 19

When a specific additive (i.e., potassium carbonate, sodium hydrogencarbonate or sodium carbonate) and a specific acidic aqueous solution (i.e., an aqueous lactic acid solution, an aqueous sodium pyrophosphate solution or an aqueous sodium metaphosphate solution) recited in applicants' claim 19 are used in combination, acrylamide is significantly reduced. Such a feature is not taught or suggested in any of the references.

Especially, in the case where potassium carbonate, sodium hydrogencarbonate or sodium carbonate is used as an additive having a low buffering ability, and an aqueous lactic acid solution, an aqueous sodium pyrophosphate solution or an aqueous sodium metaphosphate solution is used as an acidic aqueous solution, acrylamide is reduced significantly as shown in the specification in page 38, Examples 10 to 13 in Table 2 (i.e., acrylamide reduced to 25, 22, 24 and 34, respectively, as compared to the acrylamide content, 100, of the control).

It is therefore respectfully submitted that the present claims patentably distinguish over the references.

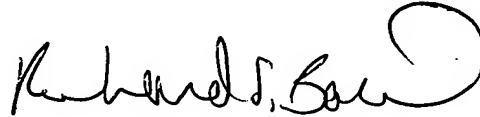
Withdrawal of the 35 USC 103 rejection is thus respectfully solicited.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

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Enc.: DECLARATION UNDER 37 CFR 1.132 of Tomo TAKAYAMA
dated March 30, 2006